

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK WITRIOL,

Case No. C05-02392 MJJ

Plaintiff,

**STIPULATION AND ORDER TO
TRANSFER CASES**

LEXISNEXIS GROUP, *et al*

GRANTED

Defendants.

Judge: Hon. Martin J. Jenkins
Complaint Filed: June 13, 2005

WHEREAS, Reed Elsevier, Seisent, and LexisNexis Group are defendants in two pending actions alleging, among other things, that defendants disclosed consumer reports and personal information about plaintiffs and proposed class members without their consent or authorization to third parties who lacked any permissible purpose for receiving and using such information:

1. *Syran v. LexisNexis Group, et al*, United States District Court for the Southern District of California, Case No. 05-CV-0909 (LAB), filed April 28, 2005; and

2. *Witriol v. LexisNexis Group, et al*, United States District Court for the Northern District of California, Case No. C05-02392 (MJJ), filed June 13, 2005.

WHEREAS, after meeting and conferring, the parties recognize that transfer of these two cases to one court may be appropriate because a) the two actions arise from a similar course of

1 alleged events, b) the claims asserted in the two actions are premised on substantially similar
2 legal theories, c) absent transfer and consolidation there would be a substantial risk of
3 inconsistent and/or conflicting rulings related to the same putative class, and d) transfer would
4 promote efficiency and judicial economy related to anticipated extensive pretrial and trial
5 activities.

6 **WHEREFORE** the parties stipulate that these two cases should be transferred to one
7 court for all purposes, since they arise from the same or similar patterns of alleged conduct and
8 assert claims premised upon the same or similar factual allegations and legal theories. Transfer
9 will promote the ends of justice by avoiding both duplicative discovery and the risk of an
10 inconsistent adjudication of rights and obligations. Also, because the two cases address
11 allegations involving potential overlapping class claims, transfer is appropriate because it would
12 best serve the interests of the litigants, the absent class members (assuming certification is
13 granted), and the judiciary.

14 **WHEREFORE**, the parties recommend that the proceedings be heard in the Southern
15 District of California since the first filing (the *Syran* case) was in that District.
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1 Dated: August 24, 2006

SCOTT EDWARD COLE
CLYDE H. CHARLTON
MATTHEW R. BAINER
SCOTT COLE & ASSOCIATES, A.P.C.

4 By


Clyde H. Charlton for
Scott Edward Cole

6 Attorneys for Plaintiff
7 MARK WITRIOL

8 Dated: August 23, 2006

9 JAMES F. McCABE
JAMES R. McGuire
RITA F. LIN
MORRISON & FOERSTER LLP

10 By


Rita F. Lin

11 Attorneys for Defendants
12 LEXISNEXIS GROUP, REED
13 ELSEVIER, INC., and SEISINT, INC.
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16 **ORDER**

17 **GOOD CAUSE APPEARING**, it is ordered that *Witriol v. LexisNexis Group, et al.*
18 United States District Court for the Northern District of California, Case No. C05-02392 (MJJ) is
19 hereby transferred to the United States District Court for the Southern District of California with
20 *Syrup v. LexisNexis Group, et al.*, United States District Court for the Southern District of
21 California, Case No. 05-CV-0909 (LAB).
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24 Dated: AUGUST 30, 2006


25 HONORABLE MARTIN J. JENKINS
26 UNITED STATES DISTRICT JUDGE
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